

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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THEODORE SMITH,

Plaintiff,

ORDER

v.

Case No. 17-cv-70-wmc

DR. LAVENE, et al.,

Defendants.

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Plaintiff Theodore Smith has filed a proposed civil complaint and requested leave to proceed without prepaying the filing fee. To evaluate plaintiff's request to proceed with prepayment of the filing fee, I must review a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(a)(2).

For this case to proceed, plaintiff must submit the certified trust fund account statement no later than February 22, 2017. If I find that plaintiff is indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments.

ORDER

IT IS ORDERED that plaintiff Theodore Smith may have until February 22, 2017 to submit a trust fund account statement for the period beginning approximately July 22, 2016 and ending approximately January 22, 2017. If, by February 22, 2017, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily.

In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 31st day of January, 2017.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge